

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARION LAMONT SHERROD,)	
)	
Plaintiff, pro se,)	
)	
v.)	
)	1:07CV28
LIEUTENANT R. B. KING,)	
)	
Defendant.)	

ORDER

On September 23, 2010, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge (Doc. 81) was filed, and notice was served on the parties in this action, and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff objected¹ to the Recommendation. In addition to the Recommendation, Plaintiff has objected to the Order of the Magistrate Judge denying various non-dispositive motions. Those rulings and objections are reviewed under a clearly erroneous on

¹ The court notes that Plaintiff has filed what he calls a Motion to Relate [Doc. 84]. While it is not clear, apparently the motion references a tort claim which Plaintiff has pending before a state agency or in the state courts. Be that as it may, a state tort claim is a much different proceeding from this Section 1983 case premised on a constitutional violation. The court is convinced, after a de novo review, that Plaintiff has no constitutional claim on these alleged circumstances. Therefore, to the extent that the motion to relate requires any action by the court, the motion is **DENIED**.

contrary to law standard. 28 U.S.C. § 636(b)(1)(A), Fed. R. Civ. P. 72(a).

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Defendant's motion for summary judgment [Doc. 43] is **GRANTED**, and Plaintiff's motion for a temporary restraining order [Doc. 64] is **DENIED**, and the Order of the Magistrate Judge denying Plaintiff's non-dispositive motions is **ADOPTED** and **AFFIRMED**. A judgment will be entered contemporaneously with this Order.


United States District Judge

January 18, 2011

